

Serial No.: 10/091,925

REMARKS

Claims 1, 2, 7-12 and 17-20 are pending in the application. Claims 1 and 11 are amended by this amendment. No new matter is added. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1 and 11 are rejected under 35 U.S.C. § 103(a) as unpatentable over United States Patent Publication No. 2005/0249128 to Mekittikul et al. (hereinafter referred to as Mekittikul) in view of United States Patent No. 6,956,818 Thodiyil (hereinafter referred to as Thodiyil). Applicants respectfully traverse.

Claim 1 relates to a node in a ring network system in which a plurality of insertion nodes are connected in a loop through a ring transmission path. The node of claim 1 includes, *inter alia*, an every-insertion-node oriented buffer unit having individual buffer memories at which arrived packets are inserted into said ring transmission path, and accumulating the packets in said individual buffer memories, and a read control unit reading the packets in a fair way on the basis of predetermined weights respectively from said individual buffer memories. The node of amended claim 1 includes a storage module stored with mappings between said insertion nodes and weight values different from each other as the predetermined weights that are proportional to *the number of connections connected to said ring transmission path* for inserting the packets. In the node of amended claim 1, *said read control unit implements a weighted read control of the packets stored in the every-insertion-node oriented buffer unit, based on the weighted values stored in said storage module according to said insertion nodes and proportional to the number of connections connected to said ring transmission path.*

The Examiner relies on Thodiyil to disclose the storage module stored with mappings recited in claim 1. However, the Examiner admits that neither Mekittikul nor Thodiyil disclose

Serial No.: 10/091,925

or suggest the recited predetermined weights proportional to the number of connections for inserting the packets (Office Action; page 3, bottom). The Examiner asserts that it would have been obvious to modify the combination (Office Action; page 4, lines 1-7). However, the Examiner's conclusion misinterprets the requirements of 35 U.S.C. § 103(a), which requires for a prima facie case of obviousness that "the prior art reference (or references when combined) *must teach or suggest all the claim limitations*" (MPEP 706.02(j); emphasis added). Furthermore, the *number of transmissions*, e.g. of the more heavily weighted packets, as apparently disclosed in Thodiyil does not equate to *the number of connections for inserting the packets*, as claimed. Therefore, none of the references appear to disclose or suggest a predetermined weight proportional to the number of connections for inserting the packets, and for at least this reason claim 1 is allowable.

However, in the interest of expediting prosecution, Applicants herein amend the claims to further clarify the claimed subject matter. The Examiner suggests that the number of connections is broadly interpreted (Office Action; page 10, lines 17-19). Therefore, Applicants have amended the claims to clarify that the number of connections are *connected to said ring transmission path*. It is respectfully submitted that this feature distinguishes the claimed subject matter from the situation disclosed in Thodiyil, in which more heavily weighted packets are apparently transmitted more frequently. Therefore, for at least this additional reason claim 1 is allowable.

Additionally, claim 1 has been amended to recite that the read control unit implements a weighted read control of the packets stored in the every-insertion-node oriented buffer unit, based on the weight values stored in said storage module according to said insertion nodes. It is respectfully submitted that none of the references disclose or suggest this feature, and therefore for at least this additional reason claim 1 is allowable.

Serial No.: 10/091,925

The motivation to combine the references provided in the Office Action is also improper. The Office Action asserts that the motivation to combine the references is to allow for dynamic alteration of priorities to the different classes of data to be transmitted (Office Action; page 3, lines 16-18), but merely cites to Thodiyil and discusses an apparent advantage of Thodiyil, without suggesting why such an advantage would suggest a combination with Mekittikul. Therefore, Applicants submit that the combination of the references in the manner suggested by the Examiner is the result of improper hindsight reasoning, and therefore the rejection should be withdrawn.

Claim 11 includes features comparable to the features of claim 1 discussed above, and therefore for at least the same reasons as claim 1 is allowable over the combination of references, claim 11 is also allowable.

Claims 2-4, 6, 7, 9, 10, 12-14, 16, 17, 19, and 20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Mekittikul in view of Thodiyil and further in view of United States Patent No. 6,219,351 to Kilkki (hereinafter referred to as Kilkki). Applicants respectfully traverse.

Initially, Applicants request clarification of this rejection, which relates to several canceled claims. Applicants respectfully request clarification of this rejection in the next Office communication.

Claims 2, 7, 9, and 10 depend from claim 1 and claims 12, 17, 19, and 20 depend from claim 11, and therefore each of these claims is allowable for at least the same reasons as their respective base claims are allowable.

Serial No.: 10/091,925

Claims 8 and 18 are rejected as unpatentable over Mekkittikul in view of Thodiyil and Kilkki, and further in view of United States Patent Publication No. 2003/0067931 to Mansour (hereinafter referred to as Mansour). Applicants respectfully traverse.

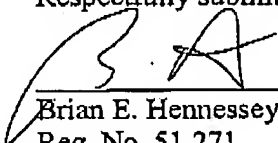
Claim 8 depends from claim 1 and claim 18 depends from claim 11, and therefore each of these claims is allowable for at least the same reasons as their respective base claims are allowable.

CONCLUSION

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian E. Hennessey
Reg. No. 51,271

CUSTOMER NUMBER 026304

Telephone: (212) 940-8800

Fax: (212) 940-8986 or 8987

Docket No.: FUJY 19.478 (100794-00199)

BEH:fd